TUPELO POLICE DEPARTMENT
Standard Operating Procedures

Policy Number: 5.11
Subject: Body Worn Cameras (BWC)
Issue Date:

PURPOSE.

This policy is intended to provide officers with instructions on when and how to use body-worn cameras (BWCs) so that officers may reliably record their contacts with the public in accordance with the law.

POLICY.

It is the policy of this department that officers shall activate the BWC when such use is appropriate in the proper performance of his or her official duties, when the recordings are consistent with this policy and law. This policy does not govern the use of surveillance recording devices used in undercover operations.

SCOPE.

This procedure applies to all members of the Tupelo Police Department authorized to use BWC’s.

BACKGROUND.

Law enforcement’s use of in-car cameras and body worn cameras has proven effective in reducing violent confrontations and complaints against officers. Cameras provide additional documentation of police/public encounters and may be an important tool for evidence collection and maintaining public trust. There is also a learning curve that comes with using body-worn cameras. Video cannot always show the full story nor does it capture an entire scene. The use of cameras does not reduce the requirement to provide thorough written documentation. Persons reviewing recordings must also be cautious before conclusions are reached about what the video shows.
The Body Worn Camera system operates on rechargeable battery power for up twelve hours and records up to ten hours of continuous video and audio media. The user can view recordings and add metadata from monitors, computers, and smart phones by downloading a specific software application.

**DEFINITIONS.**

*Body Worn Camera (BWC)* – A camera worn on an individual officer’s person that records and stores audio and video.

*Event Mode* – When the Event button on the BWC is activated and the camera is recording both audio and video. Repeated pressing of the Event button turns the recordings on and off and creates separate media segments.

*BWC Program Administrator (Operational Support)* – Police Department program administrator for WATCHGUARD camera system and WATCHGUARD SERVER with full access to user rights and settings of user access and parameters.

*Digital Evidence* – BWC files, including photographs, audio recordings and video footage, captured by a BWC and stored digitally.

*Evidence Docking Station (EDS)* – A portable multi-ported docking station installed at area commands. The EDS simultaneously recharges the BWC while uploading all digitally encrypted data from the device. The docking station then transfers the digitally encrypted data to WATCHGUARD SERVER.

*Evidence Library* – A digital evidence management service for the city and accessed at "C:\Program Files (x86)\Google\Chrome\Application\chrome.exe" [https://wgvidsvr.tupeloms.gov](https://wgvidsvr.tupeloms.gov), or as updated. The service stores digitally encrypted data in a highly secure environment accessible to personnel based on security clearance.

*Metadata* – Case numbers, Incident numbers and other descriptors used to identify digital evidence. There are multiple searchable fields into which this metadata can be entered.

*Mandated Recordings*—Enforcement-related contacts as detailed in below, including, but not limited to the following: traffic stops, field interviews, detentions, arrests, persons present at radio calls who are accused of crimes, and consensual encounters in which the officer is attempting to develop reasonable suspicion on the subject of the encounter.

*Prohibited Recordings*—Recordings as detailed in 5.11.10 below, which due to the nature and/or location the setting should not be recorded.
5.11.6 GENERAL POLICY CONSIDERATIONS.

*Officer and public safety.* Officer safety and public safety take precedence over recording events. Officers shall follow existing officer safety policies when conducting enforcement stops as outlined in Department policies and procedures. Officer safety and the safety of the public shall be the primary considerations when contacting citizens or conducting vehicle stops, not the ability to record an event. Consequently, the officer should activate the BWC at the first reasonable opportunity to do so, unless an immediate threat to the officer’s and public’s safety makes activating the BWC impossible or dangerous, in which case the enforcement member should activate the BWC as soon as it is safe to do so.

*Totality of Circumstances.* Body Worn Cameras shall be used to capture audio and visual evidence for investigations and enforcement encounters. Officers shall not provide narration or dictate their actions to the camera. Detailed police reports are still required and are the appropriate place to document the totality of the circumstances for the incident.

*Training.* Enforcement members and supervisors will be provided adequate training in the use of BWC prior to being allowed to use the equipment.

*Consensual Contact.* Non-enforcement-related contacts where a reasonable expectation of privacy exists, often occurring subsequent to or unrelated to a law enforcement’s authority.

5.11.7 AUTHORIZED PERSONNEL.

Only personnel designated by the Chief of Police or his designee shall use or be in possession of a BWC device.

Enforcement members, who serve an undercover role in a specialized assignment on a task force such as DEA, FBI, and US Marshal Service will not be subject to this policy and will refer to the governing policies and procedures for that particular special assignment.

Unless assigned elsewhere to other duties, Administration, School Resource Officers (SRO), SWAT Members, Detectives, Narcotic units, Reserves, and assigned Joint Task Force Officer(s) will not be equipped with BWC’s.

If authorized for BWC use by the Chief of Police, or his designee, officers engaging in city council-approved, off-duty employment pursuant to Miss. Code Anno. Sec. 17-25-11 (1972 as amended) and applicable Tupelo Police Department policy will adhere to this policy while fulfilling the off-duty employment.

5.11.8 USE OF AUTHORIZED EQUIPMENT.

BWC equipment is for official use only and shall not be utilized for personal use.
Officers shall not tamper with or dismantle any hardware or software component of any BWC device.

The use of any other personal recording device for the same purpose as a BWC is not authorized without permission of the Chief of Police or designee.

Personal computer equipment and software programs shall not be utilized when making copies of digital evidence. Using a secondary recording device such as video camera, cell phone or other device to record or capture digital evidence from the BWC video output source is strictly prohibited.

Storage. When not in use, the BWC devices shall be stored in the designated EDS. Officers shall ensure the BWC is properly seated into the EDS to allow for proper downloading, charging, and updating.

Pre-shift inspection.

(a) Officers shall inspect their assigned BWC devices daily to ensure there is no visual damage and the device is in working order.

(b) Visual damage shall be immediately reported to his or her supervisor and a damage report will be filed using the Department’s routine maintenance reporting system. All documentation will be forwarded to the Operational Support Personnel prior to shifts end.

(c) Backup/spare BWC equipment will be provided by the Tupelo Police Department. The Tupelo Police Department will maintain an adequate supply of backup/spare BWC equipment and will document the reason for any lack of availability.

Camera Position. Officers shall wear the BWC above the midline of their torso in a location and manner that maximizes the camera’s ability to capture video footage of the officer’s activities. Officers shall not intentionally obscure the view of their BWC.

Equipment Repair, Replacement, and Maintenance.

(a) When a BWC malfunctions, the officer will notify his or her supervisor and Operational Support.

(b) The officer will document the nature of the malfunction if known and send via email to the operational support designee.
If Operational Support cannot repair the unit, the manufacturer will be contacted to facilitate the repair. Repair and replacement of damaged or nonfunctional BWC equipment is coordinated through Operational Support and performed through an authorized service provider.

This procedure will be followed for all BWC related equipment and accessories.

5.11.9 MANDATED RECORDINGS.

Enforcement Related Contacts.

(a) All officers who are issued a BWC shall keep their BWC on while on duty and in event mode during any enforcement contact or call for service, except during instances listed in this procedure under Prohibited Recordings.

(b) Officers shall use the event mode to record enforcement related contacts. The event mode should be activated prior to actual contact with a member of the public, or as soon as safely possible thereafter, and continue recording until the contact with the member of the public is concluded and the officer leaves the scene.

(c) Enforcement related contacts include, but are not limited to, the following: Traffic stops, field interviews, detentions, arrests, persons present at radio calls who are accused of crimes, and consensual encounters in which the officer is attempting to develop reasonable suspicion on the subject of the encounter.

(d) Additional arriving officer(s) equipped with BWC and covering another officer(s) or city employee(s) during an enforcement related contact should activate their camera(s) and begin recording the situation upon their arrival until the arriving officer(s) leaves the scene.

Arrests and Transporting Prisoners

Officers equipped with BWC will conduct all arrest and prisoner transports IAW department policies and record all prisoner or passenger transports until the officers completes transport of passengers or the arrestee has been transported to a secure facility.

Searches

When searching a prisoner and without sacrificing officer safety, it is advantageous to
position the search so that it is captured on camera. This starts the chain of custody by allowing any contraband or weapons found to be documented on the BWC recording.

**Suspect Interviews**

(a) Officers are encouraged to fully record suspect interviews. Officers shall not stop and start the recording during a suspect interview.

(b) When recording interviews, officers shall ensure they record any admonishments prior to the start of an interview.

**Deactivation of BWC during mandated recordings shall be approved by supervisor and documented.**

(a) Officers assigned BWCs will occasionally assist specialized investigative units and agencies in sensitive operations where confidentiality is imperative to the operation. If there is a specific reason in the interest of the investigation for officers involved in the operation to not activate their BWCs, the supervisor in charge must give his or her prior approval.

(b) Absent any specific reason to not activate the BWC approved by the supervisor in charge, officers shall record any instances listed in this procedure.

(c) Officers will always document why the BWC was intentionally deactivated during an enforcement contact.

**PROHIBITED RECORDINGS**

BWCs shall not be used to record non-work related activity.

BWCs shall not be used to record in areas or activities such as pre-shift conferences, Department locker rooms, break rooms, restrooms or any other intimate places where there would be a reasonable expectation of privacy.

Unless authorized by the Chief of Police or his designee, BWCs shall not be used during Department administrative investigations.

BWCs shall not be used during line-ups or briefings.

BWCs shall not be used during major crime briefings or homicide briefings.

BWCs shall not be used during contact with confidential informants.
**Patient Privacy**

(a) Officers shall not record patients during medical or psychological evaluations by a clinician or similar professional, or during treatment. This includes during PERT clinician interviews. Officers shall be aware of patients’ rights to privacy when in hospital settings. When recording in hospitals and other medical facilities, officers shall be careful to avoid recording persons other than the suspect.

(b) Officers shall not record while in a facility whose primary purpose is to provide psychiatric or medical services unless responding to a radio call involving a suspect or taking a suspect statement.

(c) However, in any setting, if confronting a violent or assaultive suspect, or in an anticipated use of force instance, officers shall, when reasonably able to do so, activate their BWCs to record the encounter.

**School settings**

The BWC Event Mode should not be activated while on the grounds of any public, private or parochial elementary or secondary school, except for the following exceptions:

(a) during times when all parties being visibly or audibly recorded are in a private room with consent for such recording;

(b) while effecting an arrest;

(c) while controlling a person through response to resistance techniques; or any other circumstances that are extraordinary.

**First Amendment activity**

(a) As a general policy, BWC’s shall not be used to gather intelligence information.

(b) When there is reason to believe that a planned event has the potential for unlawful activity, the BWC shall be used to record and document evidence for prosecution.

(c) Members shall not intentionally record confidential informants or undercover officers unless the recording is conducted specifically for the purpose of documenting an operation, drug purchase/sale or other undercover operation in furtherance of a criminal investigation.

Department members will not make recordings of conversations with other department members except when necessary in the course of a criminal investigation or for department-authorized administrative investigations. In either case, the Chief of Police or designee will
be notified for prior authorization of the recording.

CONSENSUAL RECORDINGS

Victim and Witness Interviews

Victim and witness interviews subsequent to an enforcement contact are consensual contacts in nature and subject to the following limitations.

(a) If a consensual contact is made by an officer using a BWC; IAW with this policy, and where members of the public have a reasonable expectation of privacy, the officer acting in a non-enforcement capacity and/or not on a call for service, shall not be required to record upon request of the public. If the member of the public requests the recording be discontinued the enforcement member should immediately discontinue use of the BWC or disengage the consensual contact after recording the request. However, recordings made pursuant to an arrest or search of the residence or person(s) is not considered a consensual encounter for the purposes of this policy. The BWC should remain activated until the event is completed in order to ensure the integrity of the recording.

(b) Officers responding to initial domestic violence calls will treat same as a mandated recording until the contact is concluded.

(c) BWCs shall not be used during Sex Crimes or Child Abuse investigations to include statements of victims, witnesses, and interactions with parents of victims.

Scene Documentation

Officers occasionally respond to dynamic and chaotic crime scenes. The initial encounters with the victim, and witnesses, including their location and any spontaneous statements made, can be important to the overall investigation. Therefore, officers may use their BWCs to record these types of scenes for evidentiary purposes.

Law Enforcement Deliberative Process Conversations

Deliberative process conversations involving law enforcement, which are not participated in by citizens, which include but are not limited to discussions on charging decisions, and comparing witness accounts, should not be recorded.
Complaints

Whenever the enforcement member believes that a recorded contact may lead to a complaint, they should bring the recording to the attention of their supervisor as soon as practical. If no crime report or supplementary report is being prepared, details of the contact may be documented via information report or memorandum.

Recording requests or decisions to discontinue recording of consensual/discretionary contact

During consensual contact all enforcement member may offer or decisions to discontinue the use of the BWC, and the responses thereto, should be recorded by the BWC prior to discontinuing the use of the BWC.

USE, PROCESSING, REVIEW, RETENTION AND RELEASE OF DIGITAL DATA

Use.

(a) Any on-scene images/recordings and or any other images/recordings taken by members in the course and scope of their duties are the sole property of the Department. This includes any images taken intentionally or inadvertently with a member’s personally owned camera, cell phone camera, or any other digital imaging device. The images shall be downloaded as soon as feasible and deleted from the member’s personal device.

(b) Recordings shall be used for evidentiary documentation or training purposes only, except as permitted by prior written approval by the Chief of Police or designee. Only those members acting under their official duties will be permitted access to recordings and/or images.

Processing.

Entering Metadata. Each recorded segment requires metadata be entered, even if the segments are of the same event. All officers are required to add metadata at the conclusion of the event. The only exception is for officer safety reasons, at which time metadata should be added as soon as possible. Metadata consists of an identification field, retention category, and recording title. If an incident number exists, the complete incident number shall be entered into the identification field. Absent an incident number, a citation number or field interview number may be used. Retention categories will be designated and updated by BWC Operational Support and purging of recordings will be managed by BWC Operational Support as detailed in 5.11.12.6 below. Officers shall select the retention category that most accurately fits the recording. Subject to update, current retention categories include: traffic warning, traffic citation, traffic accident, assault, domestic, drug
charge/seizure, DUI, motorist assist, suspicious vehicle/behavior, test recording and felony event. Recording titles may vary and include the location, crime type, or suspect name.

(Note: Viewing or adding metadata will not alter the video recording as it is protected with multiple layers of encryption on the aforementioned devices, the BWC itself and in WATCHGUARD SERVER.)

**Impounding Procedures.**

After verifying the required metadata has been added to all recorded events, officers shall place the BWC into a slot on the EDS and ensure it is properly seated at the end of their shift. This will allow for the battery to recharge. The data will automatically be transferred from the BWC through the EDS to the WATCHGUARD SERVER upon coming into range of the police department’s wireless network connection. The data is considered impounded at this point.

**Reviewing impounded digital evidence.**

(a) *Initial Reports.* Officers may not review their own digital evidence prior to preparing initial written reports. Officers may review digital evidence prior to completing supplemental written reports and shall notate any discrepancies between the initial written report and the digital evidence.

(b) Detectives are responsible for reviewing, updating and tracking digital evidence associated with their assigned cases.

(c) Detectives and personnel assigned to investigative assignments are responsible for forwarding BWC video evidence to either the District Attorney or City Attorney’s Evidence.com accounts. Digital evidence will be submitted at the same time the case file is submitted for prosecutorial review.

(d) Officers shall review digital evidence prior to providing testimony at hearings, trial, or depositions.

(e) It is not the intent of the Department to review digital evidence for the purpose of general performance review, for normal preparation of performance reports, or to discover policy violations.

**Flagging**

Digital evidence may be viewed for administrative purposes limited to the following:
Any incident in which a member of the Department is injured or killed during the performance of their duties.

Any incident involving the use of force by a member of the Department, including canines, which results in injury or death.

Any in-custody death.

Any police pursuit.

When any member of the Department intentionally or unintentionally discharges a firearm at a person regardless of whether an individual is struck.

When any member of the Department not involved in training intentionally or unintentionally discharges a weapon.

Officer involved traffic collisions.

Prior to the release of recordings in response to a proper legal request (e.g., in response to a subpoena or other court order).

In preparation for a civil deposition or responding to an interrogatory where the incident arises from the employee’s official duties.

When preparing to testify in a criminal, civil, or administrative proceeding arising from the employee’s official duties.

For investigations undertaken by the Department, for the purpose of proving or disproving specific allegations of misconduct.

For administrative proceedings, when digital evidence is used by the Department for the purpose of proving or disproving allegations of misconduct, only digital evidence relevant to the investigative scope shall be viewed and retained by investigators. Information relevant to the recordings viewed and seized as evidence by investigators shall be documented as part of the chronological summary of any investigation undertaken by the Department.

When a formal citizen complaint is filed or reasonably expected to be filed. Supervisors should review BWC recordings to assist citizen’s complaints. Supervisors have discretion to show BWC recordings to a complainant when it relates to his or her complaint, to assist in clarifying the complaint, resolving the complaint, or having the complaint withdrawn.
In situations where there is a need to review digital evidence not covered by this procedure, The Chief, and/or his designees must approve the request. Each situation will be evaluated on a case by case basis.

Discovery of misconduct

Employees reviewing event recordings should remain focused on the incident or incidents in question and review only those recordings. If misconduct is suspected during a review of an event recording, the person who discovered the conduct in question shall immediately notify a supervisor. The supervisor will report the conduct to the officer’s commanding officer through the chain-of-command. Nothing in this procedure prohibits addressing policy violations.

Retention of digital evidence

(a) All recordings related to any criminal proceeding, claim filed, pending litigation, or a personnel complaint, shall be preserved until that matter is resolved and/or in accordance with the law. Officers and detectives are required to ensure that the BWC evidence is properly categorized for the necessary retention period.

(b) Legal, privacy and data storage considerations.

(i) The State of Mississippi Department of Archives and History (MDAH) Local Government Records Retention Schedule requires the retention of non-evidentiary BWC recordings for a period of thirty (30) days and evidentiary BWC recordings for a period of one (1) year after completion of the case and completion of the sentence. These are minimum standards.

(ii) Miss. Code Anno. Sec. 11-46-11 (1972 as amended) provides the statute of limitations for tort claims under state law and allows a one year plus tolling provisions time to give notice of claim. Claims based on federal law carry a three-year statute of limitation plus time for service of process.

(iii) A balance must be achieved between the privacy of persons captured on BWC recordings, the minimum retention requirements, the city’s exposure to and defense of legal claims against it and the cost and time involved with inordinate storage of data.

(c) Evidentiary data gathered by BWC shall be retained and stored by this Department for a minimum of one (1) year from the date of creation. Retention shall not exceed three (3) years unless it has evidentiary or exculpatory value in a criminal or civil action. In most circumstances, retention can be achieved by downloading all
applicable data from the server and booked into the Evidence Section via a records retention schedule which preserves the data.

(f) If any member of the public, parent or legal guardian of a minor, or a deceased subject’s next of kin or legally authorized designee who is a subject of video footage files a formal complaint, such person shall thereafter be permitted to review that specific video footage in order to make a determination as to whether they will voluntarily request it to be subject to a three (3) year retention period.

_Deletion of Unintentional Recordings_

In the event of an unintentional activation of the BWC system during a non-enforcement or non-investigative activity, including but not limited to, restroom, meal break, or other areas where a reasonable expectation of privacy exists, enforcement members may request the recording to be deleted.

_Copying and release of digital evidence_

(a) All digital media captured using BWC will be considered property of the Tupelo Police Department. Accessing, copying, forwarding or releasing any digital evidence for other than official law enforcement use and contrary to this procedure is strictly prohibited, except to the extent required pursuant to the Mississippi Public Records Law, Miss. Code Anno. Section 25-6-1 et seq. (1972 as amended).

(b) No images/recordings taken by any member in the course and scope of their duties may be used, printed, copied, scanned, e-mailed, posted, shared, reproduced or distributed in any manner, unless for official law enforcement purposes. This prohibition includes the posting of any Department photographs on personal Web sites including but not limited to, Facebook, Twitter, Instagram, Snapchat, Myspace, YouTube, other public safety agency Web sites, or e-mailing to friends, relatives or colleagues without prior approval of the Chief of Police.

(c) Pursuant to the Mississippi Public Records Law, Miss. Code Anno. Section 25-61-1 et seq. (1972 as amended), it is the goal of this policy to support and promote openness in government by releasing to the public non-confidential video recordings of public interest whenever feasible which do not compromise investigations or prosecutions as exempted by Section 25-61-12 (2). However, this policy must also ensure that the privacy of victims, witnesses and suspects and the integrity of investigations and prosecutions are maintained. BWC video footage should not be divulged or used for any commercial or other non-law enforcement purpose.

_Use of digital evidence for training purposes._

**RESTRICTED LAW ENFORCEMENT DATA**

This data is proprietary and will not be duplicated, disclosed, or discussed, without the written permission of this agency. Data subject to this restriction is contained throughout this publication.
Officers and supervisors may find it useful, and are encouraged, to review recordings of incidents in which they were involved when beneficial for the purpose of conducting a tactical debrief. When an incident is recorded which may be of value as a training aid for a broad section of the Department, the recording officer or that officer’s supervisor should receive approval from their commanding officer to contact the training director who will review the digital evidence to determine the value of the incident for training. If the training director determines the incident would be an appropriate training aid, the training director shall obtain approval from the Chief of Police and from the city attorney.

5.11.13 BWC PROGRAM ADMINISTRATOR RESPONSIBILITIES

BWC Program Administrators shall be sworn members assigned to Operational Support and are responsible for performing the following duties:

1. Maintain and troubleshoot the BWC units.

2. Maintain a record of assigned BWC and related equipment.

3. Be proactive and able to complete minor repairs.

4. Arrange for the warranty and non-warranty repair of the BWC units.

5. Repair or replace BWC components (cameras, docking stations, etc.).

6. Maintain BWC equipment repair and maintenance records.

7. Update software and system settings as necessary.

8. Train officers on current policy and the proper use of BWC units.

9. Provide official copies of digital media when properly subpoenaed.

10. Store and sort all BWC media.

11. Audit BWC recordings and provide official copies of any audit trail when properly requested.

AUDITING

BWC evidence will be audited by the BWC Program Administrator on a periodic basis. Documented audits should be completed on the most recently available devices and by selecting downloads at random. These audits will focus on the following areas:
(a) customer service;

(b) use of a body microphone;

(c) training;

(d) lighting issues (primarily for traffic stops made at night);

(e) enforcement member’s articulation for the microphone;

(f) enforcement member safety issues; and

(g) any other issue that could result in generating a citizen complaint, a hindrance to prosecution or liability for the enforcement member or this Department.

The designated auditing supervisor shall keep a log documenting findings during MVR device auditing.

DISCIPLINARY ACTION

All violations of this policy will be reviewed and discipline administered in accordance with the Tupelo Police Department Standard Operating Procedures Policy 1.07 Discipline and Accountability, appropriate disciplinary action up to and including termination shall be taken against any enforcement member who is found to have intentionally failed to adhere to the recording or retention requirements contained in this policy, or to have intentionally interfered with a BWC’s ability to accurately capture video footage.

REFERENCES

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<tr>
<th>Source</th>
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<tbody>
<tr>
<td>City of Tupelo Policy</td>
<td>TPD SOP 1.07</td>
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<td>State Statute</td>
<td>Miss. Code Anno. (1972 as amended) Sections; 17-25-11; 11-45-1 et seq.; 25-59-15; 25-61-1 et seq; 25-61-12; 41-19-101 et seq; 43-21-1 et seq; 97-3-7; 99-3-7; 99-7-13; 99-7-15; 99-43-1 et seq; 99-47-1 et seq; Miss. Uniform Rules of Circuit</td>
<td>Approved use of uniform and equipment for off duty employment; immunity of state and political subdivisions; public record retention; public access to public records; exemption for certain law enforcement records; medical records;</td>
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| and County Court 7.04; MS AGO 2010-381 | youth court rules; domestic violence; arrests without warrant including domestic violence; secrecy of indictments; victim’s rights; confidentiality of information in sex and domestic violence related crimes; grand jury secrecy; definition investigative records |  |